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Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st December, 1971/Agrahayana 30, 1893 (Saka)

THE NORTH-EAST FRONTIER AGENCY (ADMINISTRATION)
SUPPLEMENTARY REGULATION, 1971

No. 4 OF 1971

Promulgated by the President in the Twenty-second Year of the
Republic of India

A Regulation to make supplementary provisions for the administration of the North-East Frontier Agency and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the North-East Frontier Agency (Administration) Supplementary Regulation, 1971. Short title,
extent and
comment-
cement.

(2) It extends to the whole of the North-East Frontier Agency.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation,—

- (a) "Administrator" means the Governor of Assam acting as the agent of the President for the administration of the North-East Frontier Agency under sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution;
- (b) "Agency Council" means the Agency Council constituted under section 57 of the North-East Frontier Agency Panchayat Raj Regulation, 1967 and functioning immediately before the commencement of this Regulation; ^{3 of 1967.}
- (c) "North-East Frontier Agency" shall have the meaning assigned to it in the North-East Frontier Areas (Administration) Regulation, 1954; ^{1 of 1954.}
- (d) "Pradesh Council" means the Pradesh Council constituted under section 3;
- (e) "prescribed" means prescribed by rules made under this Regulation;
- (f) "Zilla Parishad" means a Zilla Parishad constituted under section 51 of the North-East Frontier Agency Panchayat Raj Regulation, 1967. ^{3 of 1967.}

CHAPTER II**PRADESH COUNCIL**Constitution of
Pradesh
Council
and its
composition.

3. As soon as may be after the commencement of this Regulation, there shall be constituted a Pradesh Council for the North-East Frontier Agency consisting of—

- (a) the member of the House of the People representing the North-East Frontier Agency;
- (b) the Vice-Presidents of all the Zilla Parishads;
- (c) three representatives from each of the Zilla Parishads to be elected by the members thereof from amongst themselves in the prescribed manner;
- (d) three persons to be nominated by the Administrator to provide representation for such tribes or communities as have not obtained any representation in the Council by virtue of the foregoing clauses.

Cesser of
membership
in certain
cases.

4. A person who becomes a member of the Pradesh Council by virtue of clause (a) or clause (b) or clause (c) of section 3 shall cease to be such member when he ceases to be a member of the House of the People, or a Vice-President of a Zilla Parishad or a member of the Zilla Parishad, as the case may be.

Disqualifi-
cations for
nominated
member-
ship.

5. A person shall be disqualified for being nominated as a member of the Pradesh Council under clause (d) of section 3 and for being a member of the Pradesh Council if he has incurred or incurs any of the disqualifications specified in section 7 of the North-East Frontier Agency Panchayat Raj Regulation, 1967. ^{3 of 1967.}

6. The Pradesh Council, unless sooner dissolved, shall continue for three years from the date appointed for its first meeting and no longer, and the expiration of the said period of three years shall operate as a dissolution of the Pradesh Council:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 of the Constitution is in operation, be extended by the Administrator, with the approval of the President, by order, for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

7. (1) Any member of the Pradesh Council elected or nominated under clause (c) or, as the case may be, under clause (d) of section 3 may resign his office as such member by intimating in writing his intention to do so to the Administrator and such resignation shall take effect from the date of its receipt by the Administrator.

(2) A casual vacancy in the membership of the Council under clause (c) or clause (d) of section 3 shall be filled by election or nomination, as the case may be, in accordance with the provisions of this Regulation:

Provided that a member elected or nominated under this sub-section shall hold office only for the remainder of the term of office of the member in whose place he is elected or nominated.

8. Every member of the Pradesh Council shall, before taking his seat, make and subscribe before the Administrator or any other person appointed in that behalf by him an oath or affirmation, according to the form set out for the purpose in the First Schedule.

9. No act or proceeding of the Pradesh Council shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

10. (1) The Administrator shall, from time to time, summon the Pradesh Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Administrator may, from time to time,—

(a) prorogue the Pradesh Council;

(b) with the approval of the President, dissolve the Pradesh Council.

11. (1) The Pradesh Council may discuss and make recommendations to the Administrator on—

(a) matters of administration, relating to the North-East Frontier Agency, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(b) the five-year plan and annual plan proposals for the development of the North-East Frontier Agency;

Duration of Pradesh Council.

Resignation of membership and filling up of casual vacancies.

Oath or affirmation by members.

Vacancies, etc., not to invalidate acts or proceedings of Pradesh Council.

Session of Pradesh Council.

Functions of Pradesh Council.

(c) the estimated receipts and expenditure pertaining to the North-East Frontier Agency to be credited to, and to be met from, the Consolidated Fund of India;

(d) proposals for undertaking legislation for the North-East Frontier Agency with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(e) any other matter which the Administrator may refer to the Council for consideration and advice.

(2) Subject to rules regulating the procedure of the Pradesh Council and subject to the discretion of the Administrator to refuse to give information or to allow discussion on any subject in public interest, every member of the Council shall have the right to ask questions on matters of public interest enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution in so far as such matters relate to the North-East Frontier Agency.

Administrator to preside at meetings of Pradesh Council.

12. (1) The Administrator shall preside at the meetings of the Pradesh Council.

(2) During the absence of the Administrator from any meeting of the Pradesh Council, such person as may be determined by the rules of procedure of the Council or, if no such person is present, such other member of the Council as may be elected by the Council, from amongst its members, shall preside at such meeting.

Powers and privileges of members.

13. (1) Subject to the provisions of this Regulation and to the rules and standing orders regulating the procedure of the Pradesh Council, there shall be freedom of speech in the Pradesh Council.

(2) Neither the Administrator nor any member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Council or any committee thereof and no person shall be so liable in respect of publication by or under the authority of the Council of any report, paper, or proceedings.

Salaries and allowances of members.

14. Every member of the Pradesh Council shall be entitled to receive such salary or allowance or both as the Administrator may, with the approval of the President, by order, determine.

Rules of procedure.

15. (1) The Pradesh Council may make rules and standing orders for regulating, subject to the provisions of this Regulation, its procedure and the conduct of its business.

(2) Until any rules or standing orders are made under sub-section (1), the rules of the Agency Council in force immediately before the commencement of this Regulation shall have effect in relation to the Pradesh Council subject to such modifications and adaptations as may be made therein by the Administrator.

Restriction on discussions in the Pradesh Council.

16. No discussion shall take place in the Pradesh Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

17. (1) The validity of any proceedings in the Pradesh Council shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Pradesh Council in whom powers are vested by or under this Act for regulating the procedure or the conduct of business of, or for maintaining order in, the Council shall be subject to jurisdiction of any court in respect of the exercise by him of those powers.

Courts
not to
inquire
into pro-
ceedings of
Pradesh
Council.

CHAPTER III

COUNSELLORS

18. (1) The Administrator may appoint not more than five persons as Counsellors from amongst members of the Pradesh Council referred to in clauses (b), (c) and (d) of section 3 and in making such appointments representation shall be given, as far as practicable, to the different districts of the North-East Frontier Agency.

Appoint-
ment of
Counsel-
lors, their
term of
office, etc.

(2) A Counsellor shall hold office during the pleasure of the Administrator.

(3) Before a Counsellor enters upon his office, the Administrator shall administer to him the oath of office and secrecy according to the form set out for the purpose in the Second Schedule.

(4) Every Counsellor shall be entitled to receive such salary or allowance or both as the Administrator may, with the approval of the President, by order, determine.

19. (1) The Administrator may, from time to time, consult any Counsellor or all the Counsellors on any matter relating to the administration of the North-East Frontier Agency and any views expressed by the Counsellor or Counsellors on such matters shall be recommendatory in nature.

Functions
of Coun-
sellors.

(2) The Administrator may make rules defining the procedure to be followed in consulting the Counsellors.

CHAPTER IV

MISCELLANEOUS

20. (1) The Administrator may, by notification in the Official Gazette, Power to make rules to carry out the purposes of this Regulation.

make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the manner in which the representatives from the Zilla Parishads shall be elected under clause (c) of section 3;

(ii) the procedure to be followed in consulting the Counsellors under sub-section (2) of section 19;

(iii) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation.

Amend-
ment of
Regula-
tion 3
of 1967.

21. In the North-East Frontier Agency Panchayat Raj Regulation, 1967,—

(i) in section 2, for clause (vii), the following clause shall be substituted, namely:—

‘(vii) “Gram Panchayat” means a body of persons elected according to the tribal customary methods by the residents of any village or group of villages as the Deputy Commissioner may specify in this behalf in the prescribed manner;’;

(ii) Chapter IV shall be omitted;

(iii) in sub-section (2) of section 83,—

(a) in clause (xx), the words “and Agency Council” shall be omitted;

(b) clauses (xxi) and (xxii) shall be omitted;

(c) the proviso shall be omitted.

THE FIRST SCHEDULE

(See section 8)

FORM OF OATH OR AFFIRMATION BY MEMBERS OF THE PRADESH COUNCIL

“I, A. B., a member of the Pradesh Council for the North-East Frontier Agency, do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”.

THE SECOND SCHEDULE

(See section 18)

FORM OF OATH OF OFFICE FOR A COUNSELLOR

“I, A. B., do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Counsellor to the Administrator of the North-East Frontier Agency and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.”.

FORM OF OATH OF SECRECY FOR A COUNSELLOR

"I A. B., do swear in the name of God
solemnly affirm that I will not, directly
or indirectly, communicate or reveal to any person or persons any matter
which shall be brought under my consideration or shall become known
to me as a Counsellor to the Administrator of the North-East Frontier
Agency except as may be required for the due discharge of my duties
as such Counsellor."

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

